

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

MISC. PETITION NO. 334 OF 2024

Bhavini Jignesh Soni ...Petitioner

Jignesh Kantilal Soni Alias Jignesh K. Soni ...Deceased

Ms. Seema Pandey, i/b Smit Nagda, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED : 6th AUGUST, 2024

PC:-

1. Heard the learned Counsel for the petitioner.
2. This petition is filed for grant of heirship certificate under Section 2 of the Bombay Regulation VIII of 1827.
3. Jignesh Kantilal Soni alias Jignesh K. Soni (the deceased) was the husband of the petitioner. The deceased passed away on 26th March, 2021. At the time of his death, the deceased had a fixed place of abode at Flat No.404, C-Wing, Veena Nagar Phase II, Sumangal Veena CHSL, Off. Bal Rajeshwar Road, Near Swapna Nagari, Mulund (W), Mumbai- 400 080.
4. In the petition, it is averred that the deceased died intestate and despite diligent search no testamentary writing or Will has been found. The deceased had left behind the petitioner as the sole surviving heir. The parents of the

deceased have predeceased him. The deceased died issueless. Apart from the petitioner there is no other legal heir.

5. I have perused the petition. The averments in the petition find support in the documents annexed to the petition. It appears that the petitioner is the sole surviving legal heir of the deceased. The heirship certificate is required to lay claim over the property described in paragraph 9 of the petition. As the petitioner claims to be only surviving Class-I legal heir, I do not find any impediment in granting the heirship certificate.

6. The petition stands allowed in terms of prayer clause (b), which reads as under:

(b) This Hon'ble Court be pleased to issue a Legal Heirship Certificate to the Petitioner under the provisions of Bombay Regulation VIII of 1872 certifying that the Petitioner namely Bhavini Jignesh Soni as mentioned above in Para No. 4 is the only heir and legal representative of the said deceased;

7. Issue of proclamation is dispensed with.

8. The grant of heirship certificate is expedited.

[N. J. JAMADAR, J.]